

10/578814

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

<b>Applicant:</b>	Roland Belser	<b>Examiner:</b>	Unassigned
<b>Serial No.:</b>	10/578,814	<b>Art Unit:</b>	Unassigned
<b>Filed:</b>	May 4, 2006	<b>Docket:</b>	19715
<b>For:</b>	AXIAL PISTON MACHINE	<b>Dated:</b>	January 18, 2008

Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE TO NOTIFICATION OF ABANDONMENT**

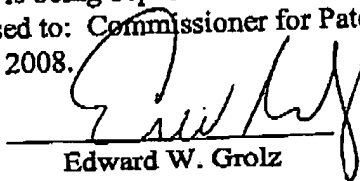
Sir:

This is in response to the Notification of Abandonment dated December 18, 2007 regarding the above-identified application. Said Notification (copy attached hereto) indicates that the subject application was abandoned for failure to respond to the Notification of Missing Requirements mailed on March 13, 2007. Applicant respectfully submits that a response to said Notification of Missing Requirements was filed. In support of this, enclosed is a copy of said response, timely filed on April 5, 2007, together with a copy of a postcard stamped by the United States Patent and Trademark Office acknowledging its receipt.

**CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on January 18, 2008.

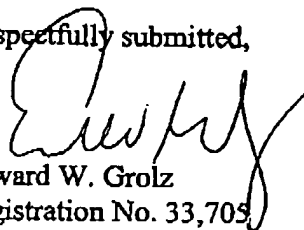
Dated: January 18, 2008

  
Edward W. Grolz

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Based on the above, it is respectfully requested that the abandonment of this application  
be withdrawn.

Respectfully submitted,



Edward W. Grolz  
Registration No. 33,705

Scully, Scott, Murphy & Presser, P.C.  
400 Garden City Plaza – Suite 300  
Garden City, New York 11530  
(516) 742-4343

EWG/kl



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/578,814	Roland Belser	19715

INTERNATIONAL APPLICATION NO.

PCT/EP04/11988

1A. FILING DATE	PRIORITY DATE
10/22/2004	11/04/2003

23389  
SCULLY SCOTT MURPHY & PRESSER, PC  
400 GARDEN CITY PLAZA  
SUITE 300  
GARDEN CITY, NY 11530

**CONFIRMATION NO. 8555**

### 371 FORMALITIES LETTER

\*0000000022861201\*

Date Mailed: 03/13/2007

**NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 05/04/2006
- English Translation of the IA filed on 05/04/2006
- Copy of the International Search Report filed on 05/04/2006
- Copy of IPE Report filed on 05/04/2006
- Preliminary Amendments filed on 05/04/2006
- Information Disclosure Statements filed on 05/04/2006
- U.S. Basic National Fees filed on 05/04/2006
- Priority Documents filed on 05/04/2006

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.

<https://portal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at 1-866-217-9197 or visit our website at <http://www.uspto.gov/ebc>.

If you are not using EFS-Web to submit your reply, you must include a copy of this notice.

SHELBY J VIGIL

Telephone: (703) 308-9140 EXT 224

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/578,814	PCT/EP04/11988	19715

FORM PCT/DO/EO/905 (371 Formalities Notice)

**PATENT OFFICE DATE STAMP WILL ACKNOWLEDGE RECEIPT OF:**

1. Submission of Declaration and Power of Attorney (in duplicate)
2. Copy of Notification of Missing Requirements
3. Executed Declaration/Power of Attorney
4. Certificate of Express Mail #EM 055627700 US dated April 5, 2007

Applicant: Roland Belser  
Serial No.: 10/578,814  
Filed: May 4, 2006  
For: AXIAL PISTON MACHINE  
Docket: 19715  
Dated: April 5, 2007

EWG/kl

**PATENT OFFICE DATE STAMP WILL ACKNOWLEDGE RECEIPT OF:**

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Serial No.: 10/578,814  
Filed: May 4, 2006  
For: AXIAL PISTON MACHINE  
Docket: 19715  
Dated: April 5, 2007

EWG/kl

RECEIVED 05 APR 2007



EM 055627700 US

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Label 11-F, April 2004

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Date Accepted	Scheduled Date of Delivery	Return Receipt Fee \$	Mo. Day	Time <input type="checkbox"/> AM <input type="checkbox"/> PM	Employee Signature
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Time Accepted <input type="checkbox"/> AM <input type="checkbox"/> PM	Scheduled Time of Delivery <input type="checkbox"/> Noon <input type="checkbox"/> 3 PM	Total Postage & Fees \$	Delivery Date	Time <input type="checkbox"/> AM <input type="checkbox"/> PM	Employee Signature
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FROM: (PLEASE PRINT) PHONE ( ) SCULLY SCOTT MURPHY & PRESSER 400 GARDEN CITY PLZ STE 300 GARDEN CITY NY 11530-3319 C# 127 M# 2287 D# 19715 EWG/k1			TO: (PLEASE PRINT) PHONE ( ) Mail Stop PCT Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450		

FOR PICKUP OR TRACKING: Visit [www.usps.com](http://www.usps.com) or Call 1-800-222-1811

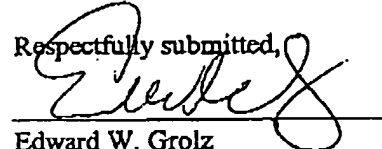
236/300

F:02 T:

PRESS HARD. YOU ARE MAKING 3 COPIES.

This submission is believed to be timely and in compliance with 37 C.F.R. "1.497(a) and (b). A copy of the Notification of Missing Requirements, dated March 13, 2007, is enclosed as required.

Respectfully submitted,



Edward W. Grolz  
Registration No. 33,705

Scully, Scott, Murphy & Presser  
400 Garden City Plaza  
Garden City, NY 11530  
(516) 742-4343  
EWG/kl

400 Garden City Plaza  
Garden City, New York 11530  
(516) 742-4343 - Telephone  
(516) 742-4366 - Facsimile  
e-mail: [info@ssmp.com](mailto:info@ssmp.com)

**SCULLY, SCOTT, MURPHY  
& PRESSER**

# Fax

**To:** Terry M Johnson Vessels **From:** Edward W. Grolz  
**Fax:** (571) 270-9973 **Pages:** 13 (including cover sheet)  
**Phone:** **Date:** 1/24/2008  
**Re:** USSN 10/578,814 **CC:**  
☐ **Urgent** ☐ **For Review** ☐ **Please Comment** ☐ **Please Reply** ☐ **Please Recycle**

• **Comments:**

Dear Mrs. Vessels:

Further to our telephone conversation of today, attached is a copy of the response filed to the Notice of Abandonment regarding USSN 10/578,814.

Sincerely,  
Ed Grolz

**CONFIDENTIALITY:** The documents accompanying this facsimile transmission may contain information which is either confidential or legally privileged and is intended only for the authorized use of the individual or entity named above without right or publication or republication, dissemination or disclosure except as expressly set forth or established by course of dealing. All rights are reserved. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or use of the contents of this facsimile is prohibited. If you received this transmission in error, please notify us immediately by telephone to arrange for return of the documents.

If you have any problems concerning this facsimile, please call (516) 742-4343 and ask for Ed @ ext 546.



## PATENTS

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s): Roland Belser

Docket: 19715

Serial No.: 10/578,414

Art Unit: Unassigned

Filed: May 4, 2006

Dated: April 5, 2007

For: AXIAL PISTON MACHINE

Mail Stop PCT

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

**SUBMISSION OF DECLARATION  
AND POWER OF ATTORNEY**

Sir:

Enclosed is a Declaration and Power of Attorney for the above application previously filed without a declaration. The requisite \$130.00 surcharge for this filing was previously paid on May 4, 2006.

Any additional charges required in connection with this submission may also be charged to Deposit Account No. 19-1013/SSMP. A duplicate of this sheet is enclosed.

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**CERTIFICATE OF MAILING BY EXPRESS MAIL**

Express Mail Mailing Label Number: EM 055627700 US

Date of Deposit: April 5, 2007

I hereby certify that this correspondence is being deposited with the United States Postal Service Express Mail Post Office to Addressee service under 37 C.F.R. §1.10 on the date indicated above and is addressed to Mail Stop PCT, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: April 5, 2007

  
Edward W. Grolz

DOCKET NO. 19715

**DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

**AXIAL PISTON MACHINE**

the specification of which

(check one)

☐ is attached hereto.

☒ was filed on October 22, 2004 as a United States Application No. or PCT International Application Serial No. PCT/EP2004/011988 and was amended on \_\_\_\_\_ (if applicable)

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37 Code of Federal Regulations, Section 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119 (a)-(d) or Section 365(b) of any foreign application(s) for patent or inventor's certificate, or Section 365(a) of any PCT international application which designated at least one country other than the United States, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s):

Number	Country	Date of Filing Day/Month/Year	Priority Claimed Under 35 U.S.C. 119
103 51 473.2	Germany	4/11/2003	X YES NO
			YES NO
			YES NO

I hereby claim the benefit under Title 35, United States Code, Section 119(e) of any United States provisional application(s) listed below:

\_\_\_\_\_  
(Application Number)

\_\_\_\_\_  
(Filing Date)

\_\_\_\_\_  
(Application Number)

\_\_\_\_\_  
(Filing Date)

I hereby claim the benefit under Title 35, United States Code, Section 120 of any United States application(s), or Section 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35, United States Code, Section 112, I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, C.F.R., Section 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application.

\_\_\_\_\_  
Application Serial No.

\_\_\_\_\_  
Filing Date

\_\_\_\_\_  
Status

\_\_\_\_\_  
Application Serial No.

\_\_\_\_\_  
Filing Date

\_\_\_\_\_  
Status

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

CUSTOMER NO. 00272

Address all telephone calls to Leopold Presser at telephone no. 516-742-4343

Address all correspondence to Leopold Presser, Scully, Scott, Murphy & Presser, 400 Garden City Plaza, Suite 300, Garden City, New York 11530

<b>Full name of sole or first inventor</b>	
Roland Belser	
<b>Sole or first inventor's signature</b>	<b>Date</b>
<i>Roland Belser</i>	<i>08.06.2006</i>
<b>Residence</b>	
Unterstadt 11, D-72401 Haigerloch, Germany	
<b>Citizenship</b>	
German	
<b>Post Office Address</b>	
Same as above	

<b>Full name of second inventor</b>	
<b>Second inventor's signature</b>	<b>Date</b>
<b>Residence</b>	
<b>Citizenship</b>	
<b>Post Office Address</b>	



## UNITED STATES PATENT AND TRADEMARK OFFICE

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10/578,814	Roland Belser	19715

23389  
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400 GARDEN CITY PLAZA  
SUITE 300  
GARDEN CITY, NY 11530

INTERNATIONAL APPLICATION NO.	
PCT/EP04/11988	
LA. FILING DATE	PRIORITY DATE
10/22/2004	11/04/2003

CONFIRMATION NO. 8555  
371 ABANDONMENT/TERMINATION  
LETTER



Date Mailed: 12/18/2007

## NOTIFICATION OF ABANDONMENT

The United States Patent and Trademark Office in its capacity as a Designated / Elected Office (37 CFR 1.495) has made the following determination:

- Applicant has failed to respond to the notification of MISSING REQUIREMENTS (Form PCT/DO/EO/905), mailed 03/13/2007 within the time period set therein.

Therefore, the above identified application failed to meet the requirements of 35 U.S.C. 371 and 37 CFR 1.495, and is ABANDONED AS TO THE UNITED STATES OF AMERICA.

TERRY M JOHNSON VESSELS

Telephone: (703) 308-9140 EXT 221